IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

Tr.P(C).No. 222 of 2007()

OPMV.808/2003 of ADDL.MOTOR ACCIDENT CLAIMS TRIBUNAL,KOTTAYAM

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: PETITIONER/PETITIONER:

V.K. SUGATHAN, S/O.LATE V.P.KUNJUNJU,
LAKSHMI VIHAR, PERUMBANACHY P.O., THENGANA,
CHANGANACHERRY.

BY ADV. SRI.M.P.MADHAVANKUTTY

RESPONDENTS: RESPONDENTS:

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1. THANKACHAN @ THANKAPPAN, S/O. RAMAN,
PUTHENPARAMBIL HOUSE, MOOLAMKULAM, NATTAKOM P.O.,
KOTTAYAM.

2. ABDULKHADER,
KOLEM BHAGATHU HOUSE, KOTTENKULANGARA P.O.,
KOTTENKULANGARA, ALAPPUZHA.

3. DIVISIONAL MANAGER,
THE ORIENTAL INSURANCE COMPANY, BAKERY JUNCTION,
KOTTAYAM.

THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.Krishnan, J.

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Tr.P(C).No.222 of 2007

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Dated this the 19th day of November, 2007.

JUDGMENT

This Transfer Petition is filed to transfer O.P.(MV) Nos.1302 of 2002 and 808 of 2003 pending before the Motor Accidents Claims Tribunal, Kottayam to any other M.A.C.T. The allegation is to the effect that a judicial officer had made some personal comments on the petitioner and also threatened Ext.PW4 while he was in the box. A report was called for from the Addl. M.A.C.T., Kottayam and he has submitted that the allegations made in the petition are without any bonafide and that he has not made any comments in the process of examination and he has never used any unwelcoming language as alleged. It is also submitted by him that he has no prejudice against the petitioner and the apprehension is unfounded.

2. When Transfer Petitions are considered the court really looks into the factors just to ensure that fairness is given to the party. The Tribunal is presided over by a senior District Judge

and I do not find any ground to disbelieve his report.

3. Therefore, I find that there are no grounds to transfer the petition and hence the Transfer Petition is dismissed. I make it clear that the learned Tribunal shall not be disturbed by filing of the Transfer Petition and he can continue to proceed with the case. It has to be stated that not only justice is to be done it should be deemed to be done also.

M.N.Krishnan,
Judge.

ess 20/11